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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,993	11/17/2003	Kevin Hsu	15749/449	9495
23595	7590	04/18/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			MAY, ROBERT J	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/714,993

Applicant(s)

HSU, KEVIN

Examiner

Robert May

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/17/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Paul (US 3,435,205).

Referring to Claims 1 and 6, Paul discloses a shade member capped by two rings (14 and 16) on the top and bottom edge of the shade member wherein each end of a resilient or flexible member is attached to the upper ring (14) and the lower ring (16) as shown in Fig 1 and Fig. 3.

Referring to Claims 2-3, Paul discloses shade member (12) as being made from a fabric material or other suitable flexible material... so that it may be shipped and stored in the "knocked down" condition shown in Fig. 6 (Col. 2, Lines 50-57).

Referring to Claims 10 and 12, Paul discloses a plurality of radially projecting spider arms (24) that connect the head portion (22) or central portion to the upper channel member (14) or upper ring (Fig. 1).

Referring to Claim 11, Paul discloses the spider member (24) as being in an L shape (Fig.3).

Claims 1 and 7 and are rejected under 102(b) as being anticipated by Liu (US 6,439,747).

Referring to Claim 1, Liu discloses a lampshade support structure comprising an upper ring (2), a bottom ring (31), and a multitude of flexible straight sections (41) connected by either end to the upper and lower rings (Fig1). A shade (1) is disclosed in Fig 3.

Referring to Claim 4, Liu discloses a foldable structure when assembled with lampshade the support structure and shade material exert tensions which form a consistent binding force among the support frame, upper ring, and the lower ring (Col. 2 Lines 30-34). Figure 1 discloses the assembled support structure with upper and lower rings, which conform to a common lampshade shape which would require the flexible rods (41) to in contact with the inner periphery of lamp shade material.

Referring to Claim 7, Liu discloses a lampshade folding structure with an upper ring and lower ring connected by flexible rods (Col. 2 Lines 10-14).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5, 8-9 rejected under 35 U.S.C. 102(e) as being anticipated by Pazula (US 6,808,294).

Referring to Claim 1, Paula discloses a lampshade support structure in Figures 3 and 4 with a fabric covering (60) upper ring (40) and a lower ring (30) and a multitude of flexible support members (71-78) connecting the two rings.

Referring to Claim 5, Pazula discloses an upper ring, a lower ring and a multitude of support members (70) connecting the two rings in Figure 1. The flexible supports (70) are described as being resilient and flexible (Col. 7, Lines 31-33). Pazula further discloses in Figure 4 the flexible members (71-78) being in a curved or helical shape while the lampshade is in the collapsed position.

Referring to Claim 8, Pazula discloses the flexible members (71-78) being in a folded or collapsed condition between the upper (40) and lower ring (30) in Figures 3 and 4.

Referring to Claim 9, Pazula discloses the tendency of the flexible supports to help move the upper ring (40) relative to the bottom ring (30) as the supports "unwind" and assist this movement and may be said to act as springs (Col. 7 Lines 31-38).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following references are cited for disclosing a lampshade with a supporting structure, which is collapsible.

<b>Patent No.</b>	<b>1<sup>st</sup> Named Inventor</b>
US 1867562 A	ALFRED BURKE

US 2392324 A	ERNEST KREBECK
US 2796517 A	LIONEL HERZFELDER HAROLD
US 2819386 A	LINDEROTH RODNEY V
US 2884515 A	LOUIS FOGEL
US 3023307 A	YUKIO OKAMOTO
US 3075074 A	ASHER ROBERT H
US 3435205 A	PAUL ANTHONY
US 3787676 A	KORACH; IRVING S.
US 4275434 A	BOROWITZ; JAMES L.
US 4605996 A	PAYNE; WILLIAM J.
US 4625268 A	PAYNE; WILLIAM J.
US 4727461 A	NAUMOFF; CHARLES P. ET AL.
US 4751625 A	LIN; JOHN Y.
US 5375048 A	BARNES; CHARLES F.
US 5662412 A	GLENDMYER; CHARLOTTE
US 6315434 B1	LONG; ALAN M.
US 6439747 B1	LIU; YI-SHUN ET AL.
US 6523981 B2	WU; WEN-CHANG
US 6604846 B2	STRICKLAND; JERRY
US 6685344 B1	LIN; WILLIAM K.
US 6688757 B2	KOVACH; JEREMY J. ET AL.
US 6808294 B2	PAZULA; BRUCE RAYMOND ET AL.


US 6851836 B2 CHOU; HSIH BIN

US 6869207 B2 LEE; TING-SHENG

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert May whose telephone number is (571)272-5919. The examiner can normally be reached between 9 am– 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval PAIR system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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